

Misbranding of the product was alleged in the libel for the reason that each of the barrels, instead of containing the number of gallons of vinegar specified in said marks and labels upon each of said barrels, in truth and in fact, contained a materially less number of gallons of vinegar than the number of gallons so specified in said marks and labels, and that none of such barrels of vinegar contained the number of gallons of vinegar which said marks and labels announced each of said barrels to contain.

On October 13, 1913, the case having come on to be heard upon the application of The Latimer Cider & Vinegar Co., seeking the release of the product, and it appearing to the satisfaction of the court that all the costs of the proceeding, amounting to \$19.60, had been paid by said company, the owner of the product, and that said company had executed a good and sufficient bond in the sum of \$300, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said company.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

**3185. Adulteration and misbranding of corn chops. U. S. v. 300 Sacks of Corn Chops. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5339. S. No. 1947.)**

On October 3, 1913, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks, each containing 100 pounds of so-called corn chops, remaining unsold in the original unbroken packages and in possession of McKinney and Barkley, Howard, Kans., alleging that the product had been shipped on or about September 6, 1913, by R. J. House and Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was not branded.

Adulteration of the product was alleged in the libel for the reason that each of the sacks contained 0.36 per cent sand. Misbranding was alleged for the reason that no tags or labels of any kind or character were attached to any or either of said sacks showing the true nature and composition of the corn chops, and that the absence of such tags or labels was misleading and false and calculated to induce the purchaser to believe that the said so-called corn chops contained in the sacks were pure and unadulterated.

On November 11, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, and that all costs not recovered by such sales be adjudged against said McKinney and Barkley, Howard, Kans.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

**3186. Misbranding of cheese. U. S. v. 50 Cheeses. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5341. S. No. 1948.)**

On October 3, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cheeses remaining unsold in the original unbroken packages and in possession of the Yost Produce Co., Pittsburgh, Pa., alleging that the product had been shipped by the Stacey Cheese Co., Little Falls, N. Y., and transported from the State of New York into the State of Pennsylvania,

and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On containers) "Clover Valley Factory, Little Falls, Herkimer Co. N. Y. Yost Produce Co., Pittsburg." (On individual cheeses) "Light Skim." There was also on each container a penciled figure indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that the declaration of net weight of the containers was false and misleading, the actual net weight being less than the marked weight.

On October 9, 1913, the said Stacey Cheese Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.

**3187. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5342. S. No. 1949.)

On October 2, 1913, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of H. W. Schleutker & Co., Covington, Ky., alleging that the product had been shipped by the Ohio Cider Vinegar Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were branded: (On one head) "The Ohio Cider Vinegar Co., Cincinnati fermented apple vinegar—Apple Product." (On the other head) "Fermented Apple Juice from Apple Waste—Compounded with distilled vinegar—Water added in fermentation to legal standard, Aug. 1, 1913."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a colored distilled vinegar which had been mixed and packed with and substituted for vinegar in such quantity as was injurious and unfit for human use and consumption. Misbranding was alleged for the reason that the labels set forth above purported and represented that the vinegar was an apple vinegar, when, in truth and in fact, it was not apple vinegar, and said brands so purporting and representing the product were false and misleading, the same consisting of a colored distilled vinegar which had been mixed and packed with and substituted for apple vinegar.

On December 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. When this case was reported for action, no claim was made that distilled vinegar was present in the product "in such quantity as was injurious and unfit for human use and consumption."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.

**3188. Misbranding of blackberry cordial. U. S. v. 5 10-Gallon Kegs and 1 5-Gallon Keg of Blackberry Cordial. Consent decree of condemnation and forfeiture. Product released on bond.** (F. & D. No. 5343. S. No. 1950.)

On October 3, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court